

111TH CONGRESS
2D SESSION

S. 1749

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2010

Referred to the Committee on the Judiciary

AN ACT

To amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cell Phone Contraband
3 Act of 2010”.

4 **SEC. 2. WIRELESS DEVICES IN PRISON.**

5 Section 1791 of title 18, United States Code, is
6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (4), by striking “or
9 (d)(1)(E)” and inserting “, (d)(1)(E), or
10 (d)(1)(F)”; and

11 (B) in paragraph (5), by striking
12 “(d)(1)(F)” and inserting “(d)(1)(G)”; and

13 (2) in subsection (d)(1)—

14 (A) in subparagraph (E), by striking
15 “and” at the end;

16 (B) by redesignating subparagraph (F) as
17 subparagraph (G); and

18 (C) by inserting after subparagraph (E)
19 the following:

20 “(F) a phone or other device used by a
21 user of commercial mobile service (as defined in
22 section 332(d) of the Communications Act of
23 1934 (47 U.S.C. 332(d))) in connection with
24 such service; and”.

1 **SEC. 3. GAO STUDY.**

2 Not later than 90 days after the date of enactment
3 of this Act, the Comptroller General shall submit a report
4 to Congress with research and findings on the following
5 issues:

6 (1) A study of telephone rates within State and
7 Federal prisons and jails to include information on
8 interstate, intrastate and collect calls made by pris-
9 oners, including—

10 (A) the costs of operating inmate telephone
11 services;

12 (B) the revenue obtained from inmate tele-
13 phone systems;

14 (C) how the revenue from these systems is
15 used by State governments and the Bureau of
16 Prisons; and

17 (D) recommendations to lower telephone
18 costs to inmates and their families, while still
19 maintaining sufficient security.

20 (2) A study of State and Federal efforts to pre-
21 vent the smuggling of cell phones and other wireless
22 devices into prisons and jails, including efforts that
23 State and Federal authorities are making to mini-
24 mize trafficking of cell phones by guards and other
25 prison officials and recommendations to reduce the

(3) A study of cell phone use by inmates in State and Federal prisons and jails, including—

5 (A) the cost that inmates pay for cell
6 phones trafficked into prisons;

(B) the quantity of cell phones that are located in State and Federal prisons and jails; and

(C) the quantity of illegal activity that is conducted or facilitated as a result of inmate cell phone use.

Passed the Senate April 13, 2010.

Attest: NANCY ERICKSON,
Secretary.